

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RICARDO DIAZ,

Plaintiff

v.

DARIN F. IMLAY, *et al.*,

Defendants

Case No. 2:20-cv-00729-APG-VCF

ORDER

I. DISCUSSION

On April 15, 2020, Plaintiff, an inmate in the custody of the Nevada Southern Detention Center ("NSDC"), submitted a civil rights complaint under 42 U.S.C. § 1983 and filed an application to proceed *in forma pauperis*. (ECF Nos. 1-1, 3). Plaintiff's application to proceed *in forma pauperis* is incomplete.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and

(3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**.

Plaintiff has not submitted a Financial Certificate or inmate account statement for the past six months. Accordingly, the Court denies Plaintiff's application to proceed *in forma pauperis* (ECF No. 3) without prejudice because the application is incomplete. The Court will grant Plaintiff a **one-time extension** to file a fully complete application to

1 proceed *in forma pauperis* containing all three of the required documents. Plaintiff will file
 2 a fully complete application to proceed *in forma pauperis* on or before **June 24, 2020**.
 3 Absent unusual circumstances, the Court will not grant any further extensions of time. If
 4 Plaintiff is unable to file a fully complete application to proceed *in forma pauperis* with all
 5 three required documents on or before **June 24, 2020**, the Court will dismiss this case
 6 without prejudice for Plaintiff to file a new case with the Court when Plaintiff is able to
 7 acquire all three of the documents needed to file a fully complete application to proceed
 8 *in forma pauperis*. To clarify, a dismissal without prejudice means Plaintiff does not give
 9 up the right to refile the case with the Court, under a new case number, when Plaintiff has
 10 all three documents needed to submit with the application to proceed *in forma pauperis*.
 11 Alternatively, Plaintiff may choose not to file an application to proceed *in forma pauperis*
 12 and instead pay the full filing fee of \$400 on or before **June 24, 2020** to proceed with this
 13 case. The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but the Court
 14 will not file the complaint unless and until Plaintiff timely files a fully complete application
 15 to proceed *in forma pauperis* with all three documents or pays the full \$400 filing fee.

16 **II. CONCLUSION**

17 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed
 18 *in forma pauperis* (ECF No. 3) is denied without prejudice to file a new fully complete
 19 application to proceed *in forma pauperis* with all three documents.

20 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the
 21 approved form application to proceed *in forma pauperis* by an inmate, as well as the
 22 document entitled information and instructions for filing an *in forma pauperis* application.

23 IT IS FURTHER ORDERED that on or before **June 24, 2020**, Plaintiff will either
 24 pay the full \$400 filing fee for a civil action (which includes the \$350 filing fee and the \$50
 25 administrative fee) or file with the Court:

- 26 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this
- 27 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two
- 28 signatures on page 3),

1 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
2 official (i.e. page 4 of this Court's approved form), and

3 (3) a copy of the **inmate's prison or jail trust fund account statement for the**
4 **previous six-month period.**

5 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete
6 application to proceed *in forma pauperis* with all three documents or pay the full \$400
7 filing fee for a civil action on or before **June 24, 2020**, the Court will dismiss this action
8 without prejudice for Plaintiff to refile the case with the Court, under a new case number,
9 when Plaintiff has all three documents needed to file a complete application to proceed
10 *in forma pauperis*.

11 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint
12 (ECF No.1-1) but will not file it at this time.

13 DATED: 4-24-2020 _____



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15 UNITED STATES MAGISTRATE JUDGE
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